

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE CHICAGO BRIDGE & IRON COMPANY : : 17 Civ. 1580 (LGS)
N.V. SECURITIES LITIGATION. : :
: : **ORDER**
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, the parties have submitted letters (Dkt. Nos. 260, 261) addressing Defendants' request to amend their answers to raise two defenses arising out of a bankruptcy proceeding against Defendant Chicago Bridge & Iron Company, N.V.'s successor entity. *See In re McDermott Int'l Inc.*, No. 20-30336 (Bankr. S.D. Tex.), and the Court stated that it would address that request in its opinion on Defendants' summary judgment motion (Dkt. No. 299).

WHEREAS, leave to amend should be freely given "when justice so requires." Fed. R. Civ. P. 15(a). "This permissive standard is consistent with [the court's] strong preference for resolving disputes on the merits." *Williams v. Citigroup Inc.*, 659 F.3d 208, 212–13 (2d Cir. 2011) (internal quotation marks omitted); *accord Travelex Currency Servs., Inc. v. Puente Enterprises, Inc.*, 449 F. Supp. 3d 385, 394 (S.D.N.Y. 2020).

WHEREAS, permitting amendment in this case would not be futile and would not result in undue delay, prejudice or surprise, given that the defenses arise out of the bankruptcy plan issued and under interpretation in the Texas bankruptcy proceeding, of which all parties are undisputedly aware. *See Christians of Cal., Inc. v. Clive Christian N.Y., LLP*, No. 13 Civ. 0275, 2014 WL 3605526, at *6 (S.D.N.Y. July 18, 2014). It is hereby

ORDERED that by **March 10, 2021**, Defendants shall file amended answers raising the defenses identified in their September 24, 2021, letter (Dkt. No. 260).

The Clerk of Court is respectfully directed to close the motion at Docket No. 260.

Dated: February 25, 2021
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE